

**Northampton Board of Health
Solid Waste Regulations**

ARTICLE I Garbage, Rubbish and Refuse [Adopted as Ch. 12 of the 1977 Code]

§ 272-1. Definitions. [Amended 1-21-1982; 3-5-1987; 7-20-1989; 11-19-1998; 3-4-1999; 12-4-2003]

As used in this article, the following terms shall have the meanings indicated:

BRUSH — Refers to woody debris from trees, shrubs, and bushes less than six inches in diameter.

BULKY WASTE MATERIAL — Includes but is not limited to refrigerators, stoves, and other large appliances, furniture, mattresses, rolls of carpeting, refuse in sealed bags and other large waste items which must be securely held in place in the vehicle by sturdy ropes, cords or materials so that the solid waste cannot fall, bounce or blow out of the vehicle on to the roadway. (Implementation date: 2-1-1999.)

CATHODE RAY TUBE (CRT) — An intact glass tube used to provide the visual display in televisions including monochrome (i.e., black and white) units, computer monitors and certain scientific instruments such as oscilloscopes.

CLEAN WOOD WASTE — Refers to wood that is not painted, stained, treated or made of composite materials, and that is as free from foreign materials as possible.

COMMERCIAL VEHICLE — Refers to vehicles used by commercial concerns whose primary business is other than the collection, transport, and disposal of garbage, rubbish and industrial waste, and/or any vehicle with commercial plates.

COMPACTED REFUSE — Refers to garbage and rubbish compressed by hydraulic force into refuse removal trucks and/or containers.

CONSTRUCTION AND DEMOLITION (C&D) WASTE — Building or demolition materials with a maximum size of four feet in any dimension, including but not limited to wood, roofing materials, gypsum (wallboard), flooring materials, carpeting, insulation, brick, asphalt and concrete, fixtures, and pieces of duct and pipes. Cardboard and scrap metal are not included in this category, as these materials are classified as "recyclable materials."

GARBAGE — Refers to all waste, animal, fish, fowl, fruit or vegetable matter produced or resulting from the use or storage of food for human consumption.

HAZARDOUS WASTE — Refers to by-products of society that can pose a substantial or potential hazard to human health or the environment when improperly managed. Hazardous waste possesses at least one of four characteristics (ignitability, corrosivity, reactivity, or toxicity) or appears on special EPA lists.

LOOSE SOLID WASTE — Refers to quantities of waste material including but not limited to brush, leaves, paper, roof shingles, recyclable materials and other items placed in the rear of a vehicle and which must be completely enclosed by the sides of the vehicle and a tarp or other covering which securely holds the waste material in place and prevents it from falling, bouncing, or blowing from the vehicle onto the roadway. (Implementation: 2-1-1999.)

PRECOMPACTED REFUSE — Refers to refuse which has been compacted by hydraulic force in refuse removal trucks or containers, dumped for processing and then mechanically loaded into open-top containers for transport to the landfill.

PRIVATE CARS — Refers to cars, passenger vans, and station wagons (based on the classification listed on the vehicle registration form) used exclusively by private households for noncommercial purposes.

PRIVATE TRUCKS — Refers to trucks, vans, and trailers (based on the classification listed on the vehicle registration form) used exclusively by private households for noncommercial purposes.

PRIVATE VEHICLE — Refers to autos, vans, and pickup trucks used exclusively by private households for noncommercial purposes.

PROPERLY SECURED LOAD — Refers to all solid waste materials including "solid waste," "loose solid waste" and "bulky waste material" being transported to the landfill or DPW transfer station; loose solid waste material shall be in closed vehicles, closed containers, sealed plastic bags, or completely covered with a tarp or other covering, which encloses it entirely. Bulky solid waste shall be tied with sturdy ropes or other materials so that it is securely held in place. All solid waste material must be securely tied down or covered so that neither it nor any of its parts can fall out of or blow out of the vehicle transporting it onto the roadway or properties adjacent to the roadway.

RECYCLABLE MATERIALS — Refers to materials that are accepted at the Springfield Materials Recycling Facility (SMRF) and/or materials that are subject to a ban on landfill disposal imposed by the Massachusetts Department of Environmental Protection and/or the Northampton Board of Health. Materials currently accepted by the SMRF include recyclable paper and corrugated cardboard, and metal/glass/aseptic/plastic (#1-7) containers. Materials currently restricted by the DEP under 310 CMR 19.017 include glass and metal containers, single-resin plastics, recyclable paper and corrugated cardboard, leaves and yard waste, vehicle batteries, white goods/appliances, whole tires, and cathode ray tubes. In addition, materials currently restricted by the Northampton Board of Health include scrap metal and mattresses.

REFUSE — Refers to putrescible or nonputrescible solid waste materials, consisting of all combustible and noncombustible solid wastes including garbage and rubbish, but not including recyclable materials and unacceptable materials.

REFUSE REMOVAL TRUCK — Refers to trucks used by commercial concerns whose primary business is the collection, transport and disposal of garbage, rubbish and industrial waste.

RUBBISH — Refers to domestic solid, combustible and incombustible wastes other than garbage, including commercial refuse.

SOLID WASTE — Refers to all materials being transported to the landfill, the transfer station(s) or other permitted disposal facility for disposal and/or recycling, including but not limited to the following: brush, construction and demolition material, garbage, household refuse, recyclable material, rubbish, scrap metal, tires, used appliances, used furniture, and yard waste. (Implementation date: February 1, 1999.)

SPECIAL WASTES (WITH PRIOR APPROVAL, NOTIFICATIONS, AND/OR PERMITS) — Refers to asbestos, ashes, dead animals, offal, rope, cable, chains, dredge materials, contaminated soils, street sweepings, stumps, trees, or wastewater treatment residues (e.g., grit/screenings).

TREE WASTE — Refers to stumps, trunks, logs, and/or branches with a diameter of six inches or greater.

UNACCEPTABLE MATERIALS — Refers to automobiles or automobile parts, waste oils (e.g., used motor oil, bunker oil), bottom ash, chemicals, intact drums, fly ash, hazardous wastes, hot items, radioactive wastes, sludge, recyclable materials, universal wastes and liquid or gaseous wastes of any type except with special written approval of the State Department of Environmental Protection and the Board of Health.

UNIVERSAL WASTE — Refers to hazardous batteries, primarily nickel cadmium (NiCd) and button batteries; mercury-containing devices, such as thermostats, manometers, switches, water meters, thermometers, and gauges; mercury-containing lamps, such as fluorescent lamps; and hazardous waste pesticides, e.g., mercury-based pesticides, arsenicals, and chlorinated pesticides; banned or suspended pesticides; pesticides subject to recall by the manufacturer or FIFRA; certain unused pesticides, and/or pesticides collected in a state-approved waste pesticide collection program.

YARD WASTES — Refers to grass clippings, leaves, brush, and other plant material generated through landscape/garden maintenance (does not include tree waste).

§ 272-2. Placing certain articles in streets prohibited.

No person shall deposit in any street, except as herein otherwise provided, any dead shrub or tree, trimming of shrubs or trees, posts, pole or other article, earth from cellars or any rubbish, unless the same shall be immediately removed therefrom at the expense of the owner or other person making such deposit, except at such times as the Board of Public Works may request that any or all of the aforementioned articles be so deposited for removal by it as a part of the regular rubbish removal programs.

§ 272-3. Littering prohibited; exception. [Amended 8-20-1987 Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).]

No person shall put or place or cause to be put or placed in any street, lane, common, park, court, alley or other public place or on any private property in this City any dirt, filth, ashes, garbage, litter or rubbish of any description; or throw or distribute, or cause to be thrown or distributed therein, any playbill, poster, notice, advertisement or printed paper of any description or any advertising appliance or medium, excepting newspapers distributed to purchasers, except at such times as the Board of Public Works may request that any or all of the aforementioned articles be so deposited for removal by it as a part of its regular rubbish removal program. Violation of this section shall be punishable as set forth in Chapter 40, Enforcement.

§ 272-4. Requirements for storage and wrapping; location of containers. [Amended 12-18-2003]

All garbage and rubbish shall be stored in sturdy tightly covered containers or secured in heavy-duty plastic or paper bags. Containers shall be stored in a clean location, free of spilled garbage or rubbish and odor, and shall not be placed upon any street except as provided in this article.

§ 272-5. Authority of Board of Health.

The Board of Health of the City is hereby authorized and empowered to regulate the storage, collection, transportation and disposal of garbage and rubbish as provided in Chapter 111, §§ 31, 31A and 31B of the General Laws of Massachusetts.

§ 272-6. Disposal permits and fees for residents transporting rubbish by private vehicle.
[Amended 7-19-1979; 6-18-1981; 8-20-1981; 6-19-1986; 8-20-1987; 9-3-1987; 6-16-1988; 7-5-1990; 12-1-1994; 8-21-1997; 3-4-1999; 12-4-2003]

- A. No person shall remove or transport garbage/rubbish within the City without first obtaining a permit from the Department of Public Works as provided herein pursuant to § 31A of Chapter 111 of the General Laws of Massachusetts.
- B. No person shall dispose of recyclable materials as solid waste. Recyclable materials include, but are not limited to, any materials acceptable to the Springfield Materials Recycling Facility (MRF) and/or materials banned from disposal by the Northampton Board of Health and/or the Massachusetts Department of Environmental Protection.
- C. The Board of Health authorizes the Department of Public Works to issue annual permits to City residents to transport refuse, garbage, recyclables, yard waste, and rubbish from their own residential property in private cars, private trucks or private vehicles, provided that certification is made that such permits will be used only for personal household use. Annual permits shall be in the form of sticker attached to each vehicle as per § 272-13B.
- D. Only operators of vehicles displaying a current residential permit sticker will be allowed to dispose of solid waste or recyclables at the landfill or the residential transfer station(s).
- E. After a public hearing, the Board of Public Works, in consultation with the Joint City Council/Board of Public Works Conference Committee, shall have the authority to set and collect disposal and permit fees for residential waste management systems and programs as outlined in Article II of this chapter.

§ 272-7. Commercial vehicle permits and disposal fees. [Last amended 12-4-2003]

- A. Permit fees. The Board of Public Works shall have the authority to set and collect permit fees for refuse removal trucks and commercial vehicles as outlined in Article II of this chapter.
- B. Disposal fees. A fee shall be charged for the commercial disposal of all refuse at the Northampton Regional Landfill on the basis of weight not volume, with the exception of tires, bulky wastes, scrap metal, cathode ray tubes, electronics, propane tanks, white goods, appliances containing Freon, hazardous wastes and universal wastes which shall be charged on a per-item basis. The Board of Public Works shall have the authority to set and collect commercial disposal fees as outlined in Article II of this chapter.

§ 272-8. Transporting refuse, garbage and rubbish; fines for improperly secured loads.
[Amended 12-17-1970; 11-19-1998; 12-4-2003]

- A. Purpose. The purpose of this section is to ensure that all solid wastes, including but not limited to bulky waste materials and loose solid waste which is collected and/or transported within the City of Northampton shall be so collected and transported in a manner which will prevent such solid, bulky and loose solid waste from falling or blowing onto the roadway, or onto property near or adjacent to the roadway while transporting such waste within the City limits.
- B. Collection of solid waste: Solid wastes shall only be collected and transported in vehicles in good repair with watertight and/or tightly covered receptacles. The vehicles and receptacles shall be kept in clean condition satisfactory to the Board of Health, and shall be cleaned at a site approved by the

Board of Health. All such receptacles shall be kept covered except at such times as the combined refuse is being placed therein or removed therefrom.

C. Transportation of waste for disposal: All solid waste being transported to the landfill or to the transfer station(s) shall be in properly secured loads.

D. Residential permit holder fees: Operators of private vehicles transporting improperly secured solid waste shall be subject to an improperly secured load fee as set forth in Chapter 40, Enforcement, for each of the first five offenses, in addition to other applicable refuse disposal charges. For each subsequent offense, the improperly secured load fee shall be as set forth in Chapter 40. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

(1) The Board of Health and/or the Department of Public Works acting through its agents and employees shall have the authority to withhold a residential permit from any residential user who has outstanding improperly secured load fees due to the City.

(2) If the holder of a residential permit shall have no offenses for a period of two years, the holder's record of previous offenses shall be expunged, provided that there are no outstanding improperly secured load fees due to the City.

E. Commercial permit holder fees.

(1) Operators of commercial vehicles transporting improperly secured solid waste shall be subject to the improperly secured load fees as set forth in Chapter 40, Enforcement, which shall be in addition to all other applicable disposal charges. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

(2) For a fourth offense, the Board of Health and/or the Department of Public Works shall have the right (after providing an opportunity for hearing) to suspend the commercial entity's refuse disposal permit for up to one month and to charge a fee of up to \$1,000 in costs to reimburse the City for the costs of the hearing including staff time and also to cover any and all staff time necessary to clean up the refuse which may have fallen or blown unto the roadway or property adjacent to the roadway.

(3) The Board of Health and/or the Department of Public Works acting through its agents and employees shall have the authority to withhold a commercial permit from any commercial user who has outstanding improperly secured load fees due to the City.

F. All permit holders. The operator of any vehicle transporting improperly secured solid waste who refuses to pay the improperly secured load fee and/or who exits the disposal facility with improperly secured refuse shall be subject to an additional fine equal to the original fee imposed.

§ 272-9. Collection practices and rules.

Collection shall be made in a manner that will prevent garbage or rubbish from falling from the container to the ground and so as to prevent rubbish being blown by the wind. Collections shall be made from an off-street location except for curbside collections from single-family and two-family homes, where containers may be placed near a street after 6:00 p.m. on the day before a curbside collection is to be made, provided that the containers are removed by 6:00 p.m. on the day of collection.

§ 272-10. Deposits other than in authorized locations prohibited; regulations for use of sanitary landfill.

It shall be unlawful for any person to deposit, place or dispose of garbage or rubbish in any place except a site assigned for that purpose by the Board of Health as provided in MGL c. 111, § 150A. No vehicles shall be allowed to enter the sanitary landfill facility without first obtaining a permit from the Board of Health. Automobiles, toxic wastes, hot items, chemicals, bunker or waste oils, and all liquid wastes shall not be placed or deposited in or at the site of the sanitary landfill facility. Trees, stumps, furniture and bulk appliances, excluding items described above, shall be deposited in a separate area provided for that purpose.

§ 272-11. Permit for disposal of demolition materials. [Amended 4-1-1971; 12-4-2003]

Any person wishing to dispose of demolition materials shall obtain a permit from the Department of Public Works to dispose of the demolition materials at a site assigned by the Board of Health.

§ 272-12. Garbage disposals required in certain dwelling units. [Amended 12-17-1970; 3-20-1986; 3-19-1992]

The builder of each new dwelling unit shall cause a garbage disposer to be installed prior to the final building inspection. Provisions shall be made for connection to a sanitary sewer line or to a septic tank in conformance with the State Environmental Code, 310 CMR 15.00 Title 5. This requirement shall be optional in dwellings not served by sanitary sewer and single-family dwellings.

§ 272-13. Municipal transfer stations; disposal fee. [Amended 6-18-1981; 8-20-1981; 8-20-1987; 6-16-1988; 6-21-1990; 12-4-2003]

A. Municipal transfer station(s) established within the City shall be for the sole use of residents of the City, and only domestic refuse and rubbish shall be deposited in the compactor unit.

B. The Department of Public Works shall issue permits in the form of stickers to be attached to each vehicle. Said permit shall allow use of the regional landfill and municipal transfer station(s).

C. Any person, firm, or corporation using the compactor unit in violation of these provisions shall be subject to the penalties set forth in § 272-14 of this chapter.

D. Any person, firm, or corporation using the compactor unit in violation of these provisions shall be subject to the penalties set forth in § 272-14 of this chapter.

§ 272-14. Violations and penalties. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

Any person violating any of the provisions of this chapter or refusing to comply with any of the provisions therein contained, shall upon conviction be fined in any sum of not more than \$1,000. Each day's continuance of such violation or failure shall be deemed a separate and distinct offense. Any person violating such provisions shall be liable for cost incurred by the City to correct any violation.

§ 272-15. Mandatory recycling. [Added 2-4-1988; amended 4-5-1990; 12-4-2003]

A. Program established. There is hereby established in the City of Northampton a program for the mandatory separation of recyclable materials from garbage or rubbish by anyone who lives or works in Northampton, including residents (including but not limited to inhabitants of single-family units, multifamily units, condominiums, boardinghouses, schools, assisted living facilities, etc.), businesses (including but limited to offices and retail establishments), institutions and industries located in the City of Northampton.

B. Enforcement. Enforcement of this section shall be by either criminal complaint in the District Court or noncriminal procedures as set forth in Chapter 40 of this Code of Ordinances. The maximum fine for violation of this section shall be \$300.

C. Effective date. This section shall take effect one week following the publication of the Board of Health regulations cited above in a daily newspaper of general circulation in the City of Northampton. Any changes in the definition of "recyclables" shall take effect one week after the pertinent regulations

of the Board of Health have been published in a daily newspaper of general circulation in the City of Northampton or at such later date as may be specified in said regulations.

§ 272-16. Disposal of refuse at landfill; unacceptable garbage and trash. [Added 6-20-1991; amended 1-6-1994]

All garbage or trash collected within the City limits of the City of Northampton by a holder of a commercial trash hauler's permit issued under § 272-7 of the Code of Ordinances shall be disposed of at the City of Northampton Sanitary Landfill, provided that garbage or trash which is not acceptable for disposal at the City landfill shall not be disposed of within the City of Northampton except at places designated in writing by the Board of Health. All permits granted to commercial haulers of trash or garbage shall state that any garbage or trash collected and transported under said permit shall be disposed of at the City of Northampton Sanitary Landfill.

§ 272-17. Unlawful use of recycling and trash disposal containers. [Added 12-5-2002]

A. No person shall use public recycling and trash disposal receptacles for the disposal of household refuse. Employees of business enterprises or other privately owned establishments are prohibited from disposing of business refuse in public recycling and trash receptacles. Depositing waste into and/or scavenging materials out of a commercial or municipal dumpster or trash or recycling container without the consent of the owner or a person with legal authority is prohibited. Violators of this section shall be subject to fines, which shall be in addition to all other applicable disposal and cleanup charges, as set forth in Chapter 40, Enforcement. *Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*

B. Enforcement of this section shall be by noncriminal procedures as set forth in Chapter 40 of this Code of Ordinances.

ARTICLE II Integrated Solid Waste Management [Adopted 12-4-2003 (Ch. 22, Art. III, of the 1977 Code)]

§ 272-18. Available surplus account.

At the end of each fiscal year all receipts of the Integrated Solid Waste Management Division during such fiscal year in excess of its expenditures during such period shall be transferred to an account known as the "Solid Waste Surplus Account." Appropriations from such account shall be made in the customary manner, but only for the purpose of improving the waste management systems of the City.

§ 272-19. Permits.

A. Every person, corporation, or entity who disposes of solid waste and/or recyclable materials at the landfill and/or transfer station(s) of the City of Northampton shall be charged for an annual permit at a rate(s) set by the Board of Public Works except as specified in § 272-6E.

B. The Board of Public Works shall make such rules and regulations concerning permit fees, starting and closing date(s) and exemptions for refuse collection vehicles, commercial vehicles, and private vehicles, as it deems appropriate.

§ 272-20. User fees.

Every person, corporation, or entity who disposes of solid waste and/or recyclable materials at the landfill and/or transfer station(s) of the City of Northampton shall be charged for such usage at the rate(s) set by the Board of Public Works.

§ 272-21. Billing procedures.

A. For customers on a monthly billing system, disposal and permit fees shall be collected by separate billings sent out by the Department of Public Works in such form and at such times as the Board of Public Works may direct.

B. The Board of Public Works shall make such rules and regulations concerning contract rates, billing dates, discounts, exemptions, surcharges, interest on overdue accounts, late fees and penalties as it deems appropriate.

C. If a bill for usage of integrated solid waste management facilities is not paid in full by the 30th day from the date the bill is mailed, an interest penalty of 14% per annum shall be assessed on any unpaid balance. Interest shall accrue from the date of mailing of the bill.

D. At any time after interest begins to accrue on an unpaid account, the Collector may serve on the party assessed a statement of the amount due, including interest, with a demand for payment. A charge of \$5 shall be made for such demand. If the amount due remains unpaid 14 days after mailing of said demand, the Collector shall commit the amount to the Board of Assessors for inclusion on the next annual property tax bill.

E. The Board of Public Works may, at its discretion, refuse to allow any hauler with an unpaid account which has begun to accrue interest to dispose of solid waste, recyclable materials, or daily cover materials at the integrated solid waste management facility or may require such hauler to pay immediately at the time of disposal. The Board of Public Works or other appropriate City official may take any other appropriate action permitted by local ordinance or state statute in connection with an unpaid, overdue account.

§ 272-22. Separate nature of charges and fees.

These fees relate solely to the matters covered by this article and are separate from all other fees chargeable by the City.